

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA, §
§
VS. § CRIMINAL NO: L-05-MJ-2893-02
§
Crystal Linn LEDEN §

ORDER OF DETENTION PENDING TRIAL

A detention hearing in accordance with 18 U.S.C. § 3142(f) was held in this case on December 1, 2005. Defendant is charged under Title 21, United States Code, Sections 841(a)(1) and 952, with knowingly and unlawfully importing from Mexico into the United States approximately 10.35 kilograms of cocaine and knowingly and intentionally possessing with the intent to distribute said cocaine.

At the detention hearing, Defendant and Defense Counsel were asked by the Court to provide Pretrial Services with updated contact information, so the statements made by Defendant to Pretrial Services could be verified. As of December 19, 2005, neither Defendant nor Defense Counsel has offered additional information to Pretrial Services; therefore, Pretrial Services was unable to provide the Court with an Amended Pretrial Services Report. The Court therefore has made its decision based on the original Pretrial Services Report provided to the Court.

I find that the following facts are established by clear and convincing evidence and that they REQUIRE THE DETENTION of the Defendant, Crystal Linn Leden, pending trial in this case.

FINDINGS OF FACT

The Government proffered the Pretrial Services Report stating that Defendant is a twenty-

four (24) year old United States citizen with two children. Defendant has strong ties to Mexico as the fathers of Defendant's two children and the man that Defendant is currently in a relationship with are all Mexican citizens. Defendant's failure to provide last names and sufficient contact information for someone to corroborate the information Defendant provided to Pretrial Services calls into question Defendant's credibility.

Defense Counsel proffered that Defendant does not have a criminal history and currently lives with her paternal grandmother in Aurora, Illinois.

REASONS FOR DETENTION

The evidence adduced at the hearing establishes probable cause to believe the Defendant has violated a statute which provides for a maximum sentence of life imprisonment under the Controlled Substances Act (21 U.S.C. § 801 et. seq.). Since probable cause exists to believe that the Defendant committed these crimes, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of the community. The Defendant has failed to produce facts which will rebut this presumption in light of the findings above. The three relationships that Defendant has had with Mexican citizens leads the Court to believe that Defendant has strong ties to Mexico and is a flight risk. The large amount of cocaine that was found when Defendant was arrested also leads the Court to believe that Defendant is a danger to the community.

DIRECTIONS REGARDING DETENTION

The Defendant is committed to the custody of the United States Marshal for the Southern District of Texas, Laredo, Texas for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE at Laredo, Texas, this 20th day of December, 2005.



Adriana Arce-Flores
United States Magistrate Judge

